



11/18/03

PATENT

BUCKET NO.: R0288-00010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: James Chan-Chong et al.

App. Serial No.: 10/606,028

Examiner: Not Assigned

Filing date: June 25, 2003

Group Art Unit: 2154

For: METHOD AND SYSTEM FOR MONITORING PERFORMANCE OF  
APPLICATIONS IN A DISTRIBUTED ENVIRONMENT

**Certification under 37 CFR § 1.10**

EXPRESS MAIL LABEL NO: EV306256775US

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the U.S. Postal Service in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR § 1.10, Mailing Label Number as listed above, addressed to Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date November 17, 2003

By Dulene DiPatri

MS MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR §1.47(a) FOR FILING WHEN  
INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED**

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Applicant Joseph L. Chan respectfully petitions under 37 CFR Section 1.47(a) for acceptance of a Declaration signed by Mr. Chan on behalf of co-inventors Henry Tang, Raymond Chow, and Christopher M. Zychowski. As stated in the attached Statements of Joseph Chan, the Declaration and application were sent to each of Mr. Tang, Mr. Chow, and Mr. Zychowski at the most recent addresses in the records of Cyanea Systems Corp., their employer

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at the time of their inventive contributions, by certified mail. A cover letter requested signature and return of the Declaration. A return receipt was received showing that Mr. Tang signed for the letter including the Declaration and application. No response has been received from Mr. Tang. A return receipt was received showing that the letter addressed to Mr. Chow was signed for. No response has been received from Mr. Chow. A return receipt was received showing that the letter addressed to Mr. Zychowski was forwarded by the Post Office to a new address, and signed for. No response has been received from Mr. Zychowski.

In view of the fact that each of Mr. Tang, Mr. Chow and Mr. Zychowski, based on the return receipts, received the Declaration, a copy of the application, and a letter requesting that the Declaration be signed and returned, but did not respond, it must be concluded each of Mr. Tang, Mr. Chow and Mr. Zychowski is refusing to sign the Declaration.

The most recent address of Mr. Tang in the records of Cyanea Systems Corp. is:

Henry Tang  
1751 Magnolia Way  
Walnut Creek, California 94595

The most recent known address of Mr. Chow in the records of Cyanea Systems Corp. is:

Raymond Chow  
143 Minerva Way  
San Ramon, California 94583

The most recent known address of Mr. Zychowski, from the forwarding address set forth on the return receipt, is:

Christopher M. Zychowski  
280 Liberty St.  
San Francisco, CA 94114-3023

For the foregoing reasons, it is respectfully submitted that acceptance of the Declaration executed for Mr. Tang , Mr. Chow and Mr. Zychowski, by Mr. Chan is proper.

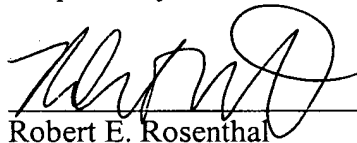
Accompanying this Petition are:

1. Statements by Mr. Chan as to efforts to obtain the signatures of Mr. Tang, Mr. Chow and Mr. Zychowski;
2. the Petition Fee of \$130.00 (37 CFR 1.17(h)); and
3. a Declaration and Power of Attorney executed by the remaining co-inventors, with added pages for the signatures by Mr. Chan on behalf of Mr. Tang, Mr. Chow and Mr. Zychowski.

If any additional fees are required by this paper, kindly charge Deposit Account No. 04-1679.

Dated: November 17, 2003

Respectfully submitted,



Robert E. Rosenthal  
Attorney for Applicant Joseph Chan  
Registration No. 33,450

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